

PTO (in the Office) received on 3-28-2003  
See p. 2 of fax

61b  
10/22/03  
Docket No. 49301 DIV (71526) BJD

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: K. Shibuya et al.

SERIAL NO: 10/034,669 EXAMINER: B. Dentz

FILED: December 6, 1999 GROUP: 1625

FOR: NOVEL ANILIDE COMPOUNDS AND DRUGS CONTAINING THE SAME

ASSISTANT COMMISSIONER FOR PATENTS  
WASHINGTON, D.C. 20231CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted by facsimile to Group 1600 of the U.S. Patent & Trademark Office by facsimile number 703-872-9306 on March 28, 2003.

By:   
John B. Alexander, Ph.D.

Sir:

RESPONSE TO OFFICE COMMUNICATION

Applicants are in receipt of the Office Action dated February 27, 2003 in connection with the above-identified application. The instant response, which is being filed within 30 days of the issuance of the Office Action, is believed to be filed within the no-fee time period for response. However, should a fee for an extension of time be necessary, please consider this authorization to charge debit account 04-1105. Kindly amend the application as follows:

## IN THE CLAIMS

Kindly cancel claim 4 without prejudice or disclaimer.

Please add new claims 14-25, as follows:

OCT-22-2003 WED 01:53 PM RARDS & ANGELL

FAX NO. 843-394170

P. 02

83/2B/83 17:49:42

USPTO →

617 439 4178 R-~~1~~FAX

Page 881

TO:Auto-reply fax to 617 439 4170 COMPANY:

*the attached received*  
**Auto-Reply Facsimile Transmission**  
*amendment was received 3-28-2003 see next page*



UNITED STATES  
PATENT AND  
TRADEMARK OFFICE

TOP

Fax Sender at 617 439 4170

**Fax Information**  
**Date Received:**  
**Total Pages:**

3/28/03 5:42:46 PM [Eastern Standard Time]  
16 (including cover page)

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Cover  
Page

MAR-26-2003 FBI 05:50 PM EDWARDS & ANGELL

FAX NO. 617 439 4170

P. 01/16

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## FACTSIMILE TRANSMITTAL to the U.S. Patent Office

DATE: March 26, 2003

TO: Group 1500 FAX NO.: 703-672-9306

FROM: John B. Alexander, Ph.D. FAX NO.: 617-439-4170

Serial No. 10/034,669 Atty. Becker Jr. 48301 DIV (71526)

Filed On: December 6, 1999

Page: including cover 16

### MESSAGE:

Enclosed please find a Response to Office Communication dated February 27, 2003 in connection with U.S. Serial No. 10/034,669.

Please contact me if you have any questions, or if I can be of any further assistance.

Best Regards,

John B. Alexander, Ph.D. (Reg. No 48,909)

### NOTICE

The message contains information which is deemed to be confidential. The facsimile cover sheet is intended for the addressee named above only. If you are not the intended recipient, please contact the sender by e-mail or telephone at the number indicated. You will be advised regarding the disposition of what you have received. The attachment of the message greater information which accompanies the facsimile cover sheet is not intended to be and shall not constitute a document of legal effect or otherwise be construed as an attorney-client communication. No waiver of any privilege is intended. Thank you for your attention to this matter.

BOSTON HATFIELD NEWPORT NEW YORK PALM BEACH PROVIDENCE NEW YORK

**ORIGINAL TO DOCKETING**

Received from <617 439 4170> at 10/22/03 1:49:09 PM [Eastern Daylight Time]

OCT-22-2003 WED 01:54 PM EDWARDS & ANGELL

FAX NO. 617 439 4170

P. 03

P. 01

TRANSACTION REPORT

MAR-28-2003 FRI 05:52 PM

FOR: EDWARDS & ANGELL

617 439 4170

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| DATE   | START    | SENDER | RX TIME(L) | PAGES | TYPE    | NOTE | M# | DP |
|--------|----------|--------|------------|-------|---------|------|----|----|
| MAR-28 | 05:51 PM | USPTO  | 41"(1)     | 1     | RECEIVE | OK   |    |    |

Practitioner's Docket No. 49301 DIV (71526)  
**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: K. Shibuya et al.

Application No.: 10/034,669

Group No.: 1625

Filed: December 6, 1999

Examiner: B. Dentz

For: NOVEL ANILIDE COMPOUNDS AND DRUGS CONTAINING THE SAME

Assistant Commissioner for Patents  
Washington, D.C. 20231

**AMENDMENT TRANSMITTAL**

1. Transmitted herewith is a Request for Reconsideration for this application.

**STATUS**

2. Applicant is

- [ ] a small entity. A statement:  
[ ] is attached.  
[ ] was already filed.  
[X] other than a small entity.

**EXTENSION OF TERM**

**NOTE:** "Extension of Time in Patent Cases (Supplement Amendments) – If a timely and complete response has been filed after a Non-Final Office Action, an extension of time is not required to permit filing and/or entry of an additional amendment after expiration of the shortened statutory period.

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**CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. SECTION 1.8(a))**

I hereby certify that, on the date shown below, this correspondence is being:

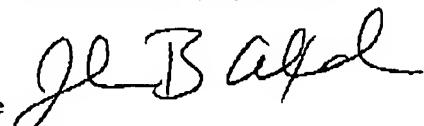
**MAILING**

- [ ] deposited with the United States Postal Service with sufficient postage by First Class Mail, in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

Date March 28, 2003

**FACSIMILE**

- [X] transmitted by facsimile to the Patent and Trademark Office at (703) 872-9306.

Signature   
John B. Alexander, Ph.D.

(type or print name of person certifying)

(Amendment Transmittal—page 1 of 4)

If a timely response has been filed after a Final Office Action, an extension of time is required to permit filing and/or entry of a Notice of Appeal or filing and/or entry of an additional amendment after expiration of the shortened statutory period unless the timely-filed response placed the application in condition for allowance. Of course, if a Notice of Appeal has been filed within the shortened statutory period, the period has ceased to run. "Notice of December 10, 1985 (1061 O.G. 34-35).

NOTE: See 37 C.F.R. Section 1.645 for extensions of time in interference proceedings, and 37 C.F.R. Section 1.550(c) for extensions of time in reexamination proceedings.

3. The proceedings herein are for a patent application and the provisions of 37 C.F.R. Section 1.136 apply.

(complete (a) or (b), as applicable)

- (a)  Applicant petitions for an extension of time under 37 C.F.R. Section 1.136 (ffcs: 37 C.F.R. Section 1.17(a)(1)-(4)) for the total number of months checked below:

| Extension<br>(months) | Fee for other than<br><u>small entity</u> | Fee for<br><u>small entity</u> |
|-----------------------|---|--------------------------------|
| [ ] one month         | \$ 110.00                                 | \$ 55.00                       |
| [ ] two months        | \$ 400.00                                 | \$ 200.00                      |
| [ ] three months      | \$ 920.00                                 | \$ 460.00                      |
| [ ] four months       | \$ 1,440.00                               | \$ 720.00                      |

Fee: \$0.00

If an additional extension of time is required, please consider this a petition therefor.

(check and complete the next item, if applicable)

- An extension for \_\_\_\_\_ months has already been secured. The fee paid therefor of \$ \_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$0.00

OR

- (b)  Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

(Amendment Transmittal--page 2 of 4)

**FEE FOR CLAIMS**

4. The fee for claims (37 C.F.R. Section 1.16(b)-(d)) has been calculated as shown below

| (Col.1) | (Col. 2)  | SMALL ENTITY                                |  |                       | OR | OTHER THAN<br>A SMALL<br>ENTITY |                                  |
|---------|---|---|--|-----------------------|----|---------------------------------|----------------------------------|
|         |   | Claims<br>Remaining After<br>Amendment<br>* | Highest No.<br>Previously<br>Paid For<br>* | Present<br>Extra<br>* |    | Rate<br>\$9.00                  | Addit.<br>Fee<br>\$0.00          |
|         | Independent Claims                              |   |  | *                     |    | \$42.00                         | \$0.00                           |
|         | First Presentation of Multiple Dependent Claim+ |   |  |                       |    | \$140.00                        | \$0.00                           |
|         |   |   |  |                       |    |                                 | Total<br>Addit.<br>Fee<br>\$0.00 |

- \* If the entry in Col. 1 is less than the entry in Col. 2, write "O" in Col. 3,
  - \*\* If the "Highest No. Previously Paid For" IN THIS SPACE is less than 20, enter "20".
  - \*\*\* If the "Highest No. Previously Paid For" IN THIS SPACE is less than 3, enter "3".
- The "Highest No. Previously Paid For" (Total or Indep.) is the highest number found in the appropriate box in Col. 1 of a prior amendment or the number of claims originally filed.

**WARNING:** *"After final rejection or action (Section 1.113) amendments may be made canceling claims or complying with any requirement of form which has been made." 37 C.F.R. Section 1.116(a) (emphasis added).*

(complete (c) or (d), as applicable)

- (c)  No additional fee for claims is required.

**OR**

- (d)  Total additional fee for claims required \$ \_\_\_\_\_  
**FEE PAYMENT**

5.  Attached is a check in the sum of \$ \_\_\_\_\_.  
 Charge Account No. \_\_\_\_\_ the sum of \$ \_\_\_\_\_.  
 A duplicate of this transmittal is attached.

(Amendment Transmittal--page 3 of 4)

**FEE DEFICIENCY**

**NOTE:** If there is a fee deficiency and there is no authorization to charge an account, additional fees are necessary to cover the additional time consumed in making up the original deficiency. If the maximum, six-month period has expired before the deficiency is noted and corrected, the application is held abandoned. In those instances where authorization to charge is included, processing delays are encountered in returning the papers to the PTO Finance Branch in order to apply these charges prior to action on the cases. Authorization to charge the deposit account for any fee deficiency should be checked. See the Notice of April 7, 1986, (1065 O.G. 31-33).

6.  If any additional extension and/or fee is required, charge Account No. 04-1105.

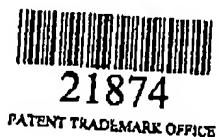
**AND/OR**

- If any additional fee for claims is required, charge Account No. 04-1105.

Date: March 28, 2003

  
**SIGNATURE OF PRACTITIONER**

John B. Alexander, Ph.D. (Reg. No. 48,399)  
(type or print name of practitioner)



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(Amendment Transmittal--page 4 of 4)